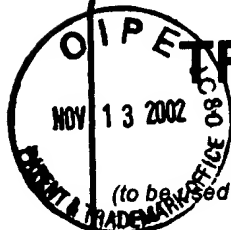


Please type a plus sign (+) in this box → **+**

(Modified) PTO/SB/21 (6-98)
Approved for use through 09/30/2000. OMB 0651-0031
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

37

Application Number

09/437,726

Filing Date

November 19, 1999

First Named Inventor

Willem P.C. Stemmer, et al.

Group Art Unit

1634

Examiner Name

B. Sisson

Attorney Docket Number

0122.310US

ENCLOSURES (check all that apply)

☒

Fee Transmittal Form

☐

Fee Attached

☒

Amendment / Response

☐

After Final

☒

Affidavits/declaration(s)

☒

Extension of Time Request

One month

☐

Express Abandonment Request

☐

Information Disclosure Statement

☐

Certified Copy of Priority Document(s)

☐

Response to Missing Parts/Incomplete Application

☐

Response to Missing Parts under 37 CFR 1.52 or 1.53

☐

Assignment Papers (for an Application)

☐

Drawing(s)

☐

Licensing-related Papers

☐

Petition Routing Slip (PTO/SB/69) and Accompanying Petition

☐

Petition to Convert to a Provisional Application

☐

Power of Attorney, Revocation Change of Correspondence Address

☐

Terminal Disclaimer

☐

Small Entity Statement

☐

Request for Refund

☐

After Allowance Communication to Group

☐

Appeal Communication to Board of Appeals and Interferences

☐

Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)

☐

Proprietary Information

☐

Status Letter

☒

Additional Enclosure(s) (please identify below):

Transmittal Form; Fee Transmittal; Exhibits A, B & C; Return Postcard

Authorization to Charge Deposit Account

Please charge Deposit Account No. 50-0990 for any additional fees associated with this paper or during the pendency of this application, including any extensions of time for consideration of the documents enclosed.

Remarks

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NOV 20 2002

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name

Christopher M. Holman, Reg. No. 40,021
Maxygen, Inc.

Signature

CDH

Date

11/4/02

NOV 19 2002

TECH CENTER 1600/2900

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on this date: 11-5-02

Typed or printed name

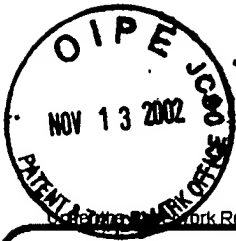
Julie K. Mausen

Signature

Julie K. Mausen

Date

11-5-02



PTO/SB/17 (10-02)
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FEE TRANSMITTAL for FY 2003

Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$)**110.00**

Complete if Known

Application Number	09/437,726
Filing Date	November 9, 1999
First Named Inventor	Stemmer, et al.
Examiner Name	B. Sisson
Art Unit	1655
Attorney Docket No.	0122.310US

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account:

Deposit
Account
Number
Deposit
Account
Name

50 - 0990

Maxygen, Inc.

The Commissioner is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments

☒ Charge any additional fee(s) during the pendency of this application

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	740	2001	370	Utility filing fee	
1002	330	2002	165	Design filing fee	
1003	510	2003	255	Plant filing fee	
1004	740	2004	370	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	
SUBTOTAL (1)					(\$)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent Claims	-20** =	X	
Multiple Dependent	-3** =	X	

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	84	2201	42	Independent claims in excess of 3
1203	280	2203	140	Multiple dependent claim, if not paid
1204	84	2204	42	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2)

(\$)

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	110.00
1252	400	2252	200	Extension for reply within second month	
1253	920	2253	460	Extension for reply within third month	
1254	1,440	2254	720	Extension for reply within fourth month	
1255	1,960	2255	980	Extension for reply within fifth month	
1401	320	2401	160	Notice of Appeal	
1402	320	2402	160	Filing a brief in support of an appeal	
1403	280	2403	140	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,280	2453	640	Petition to revive - unintentional	
1501	1,280	2501	640	Utility Issue fee (or reissue)	
1502	460	2502	230	Design Issue fee	
1503	620	2503	310	Plant Issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	740	2809	370	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	740	2810	370	For each additional invention to be examined (37 CFR 1.129(b))	
1801	740	2801	370	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)**110.00**

SUBMITTED BY

Name (Print/Type)	Christopher M. Holman	Registration No. (Attorney/Agent)	40,021	Telephone	(650) 298-5884
Signature	<i>Ch M Holman</i>	Date	11/4/02		

CERTIFICATE OF MAILING

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Typed or Printed Name Julie K. Mausen

Signature

Julie K. Mausen

Date

11-5-02

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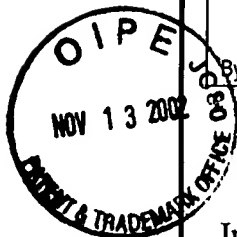
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Attorney Docket No: 0122.310

#29/D
CO
11/25/02



By Julie K. Hansen

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Willem P. C. Stemmer *et al.*

Application No.: 09/437,726

Filed: November 9, 1999

For: Methods for Obtaining a Polynucleotide
Encoding a Polypeptide Having Rubisco
Activity

Examiner: B. Sisson

Art Unit: 1634

Amendment and Response

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Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

In response to the Final Office Action dated July 16, 2002 Applicants respectfully request reconsideration of the above-identified application in view of the following amendments and remarks. Applicants wish to thank the Examiner for useful insight and comments provided during a telephonic interview conducted with Applicants' representative Christopher Holman on October 2, 2002. The following documents are enclosed herewith:

1. A petition to extend time for response from October 16, 2002 to November 16, 2002 accompanies this Amendment.
2. A declaration of Dr. Genhai Zhu pursuant to 37 C.F.R. 1.132, including attached Exhibits A, B and C.

AMENDMENT

In the Specification:

Please replace the paragraph at page 35, line 14 to page 36, line 9 with the following paragraph:

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